



Appeal Decision

Site visit made on 18 May 2022

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15/06/2022

Appeal Ref: APP/W2465/W/22/3290822

The Sanctuary Workshops, 9 Sanvey Lane, Leicester LE2 8NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Angie Beasley against the decision of Leicester City Council.
 - The application Ref 20211712, dated 8 July 2021, was refused by notice dated 26 October 2021.
 - The development proposed is described as 'Part conversion of existing church hall / worship into 1 self-contained flat. Reinstatement of existing stone wall to front elevation'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has provided a revised plan with their appeal submission (Drawing No A003 Rev C). The Council has confirmed that the revised plan was not before it when it made its decision. The plan shows altered widths to the proposed wall and different gate and pier alignments. It also shows an existing side outrigger which was previously omitted on the existing and proposed street scene elevations.
3. Given the extent of the changes on the revised plan and its location within the Conservation Area, I am concerned that it has not been publicised upon in accordance with the requirements of The Planning (Listed Buildings and Conservation Areas) Regulations 1990. Therefore, parties who should have been consulted on the changes may be deprived of the opportunity to comment. On this basis, and having regard to the 'Wheatcroft principles'¹, I have considered the appeal proposal as per the drawings that were before the Council when it made its decision.

Main Issues

4. The main issues are:
 - (i) whether the proposal would preserve or enhance the character or appearance of the Aylestone Conservation Area (CA);
 - (ii) whether the proposal would provide suitable living conditions for future occupiers of the proposed flat with particular regard to privacy, outlook, light and provision of private outdoor space; and
 - (iii) The effect of the proposal on the living conditions of neighbouring occupiers with particular regard to privacy.

¹ (Bernard Wheatcroft Ltd v SSE [JPL 1982 P37])

Reasons

Character and appearance of the CA

5. The significance of the CA primarily derives from its historic layout and the quality of its built fabric. Sanvey Lane is a narrow, winding street and according to the Aylestone Village Conservation Area Character Appraisal (2008) (CACA) dates from at least medieval times. The CACA confirms that the appeal building was constructed as a Baptist Chapel in 1871 and identifies the building as an important architectural feature of the area. It displays distinctive Gothic style architecture and the main street facing gable incorporates a large arched window with simple decorated tracery. A pointed arch frames the main entrance. Decorative finials adorn the roof.
6. At the time of my visit the front boundary was substantively open. The evidence before me indicates that this follows the recent removal of a substantial length of front boundary walling. The small section of wall which remains is constructed in Mountsorrel granite, a local material commonly used in the CA.
7. As a result of the high quality of the site's built form and materials, it makes a positive contribution to the character and appearance of the CA and adds to its significance.
8. Paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 200 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
9. Only minor alterations would be undertaken to the external elevations of the building to facilitate the change of use. This consists of a new ground floor window to serve a kitchen. This would be discreetly positioned on the side elevation towards the rear of the building. As a result, there would be no material changes to the appearance of the building in views from neighbouring properties or from Sanvey Lane. Therefore, the change of use element of the proposals would preserve the character and appearance of the CA.
10. However, the plan considered by the Council includes a gate and piers which are poorly aligned relative to the door on the front elevation of the building. In addition, the Council's delegated report states that the proposal would introduce a new vehicular gateway to the centre of the front boundary. This indicates to me that the previous wall did not include a gap the same as that proposed. No substantive evidence is before me to show the full extent, heights or appearance of the previous boundary wall. Without this information, I am not in a position to reach a fully informed judgement as to the effect of its proposed replacement on the character or appearance of the CA.
11. I conclude, it has not been demonstrated that the proposed wall would preserve or enhance the character or appearance of the CA. In that regard the proposal conflicts with the conservation requirements of CS Policy 18 (Historic

Environment) of the Leicester City Core Strategy (2014) (CS) and the Framework.

Living conditions for future occupiers

12. The main living area would be an open plan lounge, dining space and kitchen. I saw on my site visit that the external entrance into this space includes a triangular glazed area above the doors. There is an existing roof light to this side of the building. Two further rooflights are positioned over what would be the kitchen space. A new window is also proposed to the side elevation of the building serving the kitchen. Overall, and without any objective evidence to demonstrate otherwise, I am satisfied that adequate levels of light would be provided by these windows to the open plan living area. The proposed bathroom, store and bedroom would also have a suitable source of light by way of the dedicated windows serving those rooms.
13. However, the only eye level window serving the ground floor open plan area would be the new window serving the kitchen. This would face high boundary treatments which sit in very close proximity to that side elevation of the building. All other ground floor level windows serving the proposed store and bathroom would be blocked off from the open plan area by internal walls. In combination with the elongated layout of the open plan area, these factors mean that overall the main ground floor internal living environment would feel very enclosed and would offer a poor means of outlook for future occupiers. The first floor windows serving the bedroom space would not overcome the deficiencies at ground floor level.
14. Policy H7 (Flat Conversions and New Build Flats) of the LP requires the provision, where practicable, of a garden. Given the building footprint and its close proximity to the site boundaries, external areas to the side and rear of the building are narrow. Consequently, they would not provide any meaningful private outdoor space that could be used for example to sit out or hang out washing. This adds to the deficiencies already identified in terms of the living environment that would be provided for occupiers of the proposed flat.
15. I conclude the proposal would not provide suitable living conditions for future occupiers of the proposed flat with particular regard to outlook and provision of private outdoor space. In those respects, the proposal would conflict with the design and amenity requirements of Policies H7 (Flat Conversions and New Build Flats) and PS10 (Residential Amenity and New Development) of the City of Leicester Local Plan Saved Policies Version (2006) (LP) and CS Policy CS3 (Designing Quality Places) of the CS. It would also conflict with Paragraph 130 of the Framework which amongst other things states that decisions should ensure that developments create places with a high standard of amenity for future users.

Living conditions for neighbouring occupiers

16. The proposal includes the conversion of an existing first floor office space to provide a bedroom. This room is already served by two dormer windows. On my site visit, I was able to check the views obtainable from these windows. The nearest views from the dormer window to the southern roof slope would be of a small yard to the rear of No 21 Sanvey Lane and the more peripheral parts of the external areas to the rear of Nos 23 and 27 Sanvey Lane. The latter of these has a large outbuilding which screens most of the rear garden of No 27

from view. In all these instances, the views are typical of the relationships often seen within a residential environment. The distance between the principal windows serving No 27 Sanvey Lane and the oblique angle between windows on Nos 21 and 23 Sanvey Lane would also ensure that there would be no material overlooking impacts on these neighbouring properties.

17. The oblique line of sight and distance between the dormer window on the northern roof slope and No 1 Croft Avenue means that adequate levels of privacy would be retained for occupiers of this neighbouring property.
18. However, the evidence before me indicates that the dormer window on the northern roof slope is only 7.0 metres from the rear principal room windows serving No 1 Sanvey Lane. Moreover, I saw on my site visit that this window provides even closer views of the more private area of the garden serving this neighbouring property including its patio area which is likely to be used for sitting out. I accept that users of the existing office would already be able to obtain these views. Even so, residential occupation of the building would be likely to result in a more intensive use of this room and would unacceptably increase levels of overlooking to the detriment of the privacy of occupiers of No 1 Sanvey Lane.
19. The appellant has confirmed that they would be agreeable to a condition requiring first floor windows to be obscure glazed. Given my findings, obscure glazing to the northern dormer window would not preclude a suitable means of outlook from the bedroom as clear glazing could be retained to the southern facing dormer window. While obscure glazing would assist in reducing the potential for any harmful overlooking impacts, the window would also need to be maintained at all times as a non-opening window to a specified height or to have a restricted opening mechanism. Given that I am dismissing the appeal, I have not explored whether the appellant would be agreeable to such a condition any further.
20. I conclude, in the absence of specific details to demonstrate otherwise, the proposal would have a harmful effect on the living conditions of occupiers of No 1 Sanvey Lane with particular regard to privacy. In that particular regard, it would conflict with the design and amenity requirements of Policies H7 (Flat Conversions and New Build Flats) and PS10 (Residential Amenity and New Development) of the LP and CS Policy CS3 (Designing Quality Places) of the CS. It would also be contrary to the requirements at Paragraph 130 of the Framework for a high standard of amenity to be provided for existing users.

Other Matter

21. The appellant contends that discussions took place with the Council's Conservation Officer after the Council made its decision on the planning application and that the revised plan referred to in the preliminary matters is a result of those discussions. Even if I were in a position to take the revised drawing into account and had sufficient supporting evidence to allow me to conclude that the wall would preserve the character or appearance of the CA, this would not in any case lead to a different decision on the appeal given the harm identified in respect of living conditions.

Conclusion

22. The proposal would not provide suitable living conditions for future occupiers of the development or for neighbouring occupiers and therefore conflicts with the development plan taken as a whole. I have also found that it has not been demonstrated that the significance of the CA would be preserved. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

M Russell

INSPECTOR